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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/522,586

10/04/2005

Bert Von Stein

SEGE3003/FJD

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23364 7590 02/26/2009

BACON & THOMAS, PLLC

625 SLATERS LANE

FOURTH FLOOR

ALEXANDRIA, VA 22314-1176

EXAMINER

TAHA, SHAQ

ART UNIT

PAPER NUMBER

2446

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DELIVERY MODE

02/26/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<i>Office Action Summary</i>	Application No.	Applicant(s)	
	10/522,586	VON STEIN ET AL.	
	Examiner	Art Unit	
	SHAQ TAHA	2446	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2008.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7 - 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7 - 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/04/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This is a Final action for application number 10/522,586 based on after a non-final filed on 12/03/2008. Claims 7 – 12 are currently pending and have been considered below. Claims 7, 8, 10, 11, and 12 have been amended. Claim 7 is an independent claim.

Applicant's Response

Applicant's arguments with respect to claims 7 - 12 have been considered but are moot in view of the new ground(s) of rejection

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 – 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng et al (US 2002/0078161) in view of Glanzer et al. (US 6,424,872)

Regarding claim 7, a method for updating device descriptions for different field devices for determining, and influencing process variables in process automation technology, [system 100 comprising a UPnP enabling device 200 that bridges a UPnP controller, or UPnP User Control Point (UCP) 120 to multiple non-UPnP-compliant devices 150-180, wherein the UPnP enabling device updates the device description of one of the field devices 150 – 180, (Cheng et al., Paragraph 18)],

whereby the field devices are connected via a data bus, [a PCI bus 253 is used as an intermediate bus between an internal bus 205 of the enabling device 200 and a USB network 150, (Cheng et al., Paragraph 21)],

and whereby a control unit and an external server are employed, [The UPnP enabling device 200, in conjunction with a file server 130, provides the interface required to effect the control of the non-UPnP devices by the UPnP user control point 120, by emulating each of the non-UPnP devices as a UPnP-compliant device, wherein file server 130 is an external server and UPnP control 120 is a control unit, (Cheng et al., Paragraph 19)],

comprising the step of: storing the actual device descriptions for the field devices on a central server connected to the data bus via the internet, [the processor 220 merely stores the appropriate URLs of each device's presentation and description information, for subsequent communication to the UCP 120, as required, and as discussed above, wherein these URLs may address information on the file server 130, Discovery server module 510 as shown in Fig. 5, which is a central server

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connected to the data bus 205 via internet 110, stores the device description using processor 220, (Cheng et al., Paragraph 44)],

storing and running an application program in a control unit for servicing, configuring, parameterizing, or troubleshooting a field device, [providing the Application Program Interface (API) for transforming responses and GENA notifications into proper HTTP messages, and invokes network services 502 to send the messages, wherein the application program services the field device, (Cheng et al., Paragraph 37)],

and downloading, by the application program in the control unit, an actual device description of a field device to be serviced from the central server in the case that the actual version of the device description of the field device is not available in the control unit, [The module 530 either provides the appropriate URL for locating the device description and/or the presentation, or it provides the device description and/or the presentation, directly or via the file server 130, for devices that do not have a corresponding remote URL address at which the description and/or the presentation is located, (Cheng et al., Paragraph 58)],

Cheng et al. fails to teach that a device description describes the functionality of the corresponding field device in a standardized language,

Glanzer et al. teaches the device description can be written in any standardized programming language, such as C, C++, or Small Talk, (Glanzer et al., Col. 23, lines 52 – 55), in order to allow the user layer 235 to access and change the object descriptions in a virtual field device, (Glanzer et al., Col. 8, lines 15 – 20),

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Cheng et al. by including that a device description describes the functionality of the corresponding field device in a standardized language, wherein Glanzer et al. teaches the device description can be written in any standardized programming language, such as C, C++, or Small Talk, (Glanzer et al., Col. 23, lines 52 – 55), in order to allow the user layer 235 to access and change the object descriptions in a virtual field device, (Glanzer et al., Col. 8, lines 15 – 20).

Regarding claim 8, a method as claimed in claim 7, wherein: the application program queries the external server, in regular intervals, as to whether new device descriptions are available, [Depending upon the available memory at the UPnP enabling device 200, the processor 220 fills in the discovery, presentation, and description information at the databases 515, 525, 535, respectively, wherein if the information of the device is available to update the device, (Cheng et al., Paragraph 44, Page 4)].

Regarding claim 9, the method as claimed in claim 7, wherein: the device descriptions are device descriptions DDs, [providing an API for querying device description, wherein it is DDs, (Cheng et al., Paragraph 59)].

Regarding claim 10, the method as claimed in claim 7, wherein: preconfigured device descriptions are stored in the external server, [the amount of information

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required to be stored at the device description database 535, or at the file server 130, (Cheng et al., Paragraph 58)].

Regarding claim 12, the method as claimed in claim 7, wherein: the control unit and the external server are connected with one another via the Internet, [Fig. 1, Ref # 110 wherein the internet is connected to the external server 130 and control unit 200].

Claim 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng et al. (US 2002/0078161) in view of Glanzer et al. (US 6,424,872) and further in view of Aaker et al. (US 6,011,915)

Regarding claim 11, The modified Cheng et al. teaches providing a method and system for coupling IP networks with non-IP networks, (Cheng et al., Paragraph 8),

The modified Cheng et al. fails that the device descriptions in the server are saved in respective national languages,

Aaker et al. teaches that if a device name was not included among the environment information, a search is done for an existing device description that is not in use and that matches the characteristics passed up from the client, (Aaker et al., Col. 10, Lines 50-55), in order to run on such mid-range and mainframe computing systems and to represent a significant investment for business concerns, (Aaker et al., Col. 1, Lines 38 – 45),

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It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the modified Cheng et al. by including fails that the device descriptions in the server are saved in respective national languages, wherein Aaker et al. teaches that if a device name was not included among the environment information, a search is done for an existing device description that is not in use and that matches the characteristics passed up from the client, (Aaker et al., Col. 10, Lines 50-55), to run on such mid-range and mainframe computing systems and to represent a significant investment for business concerns, (Aaker et al., Col. 1, Lines 38 – 45).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaq Taha whose telephone number is 571-270-1921. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Pwu can be reached on 571-272-6798.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/S. T./

Examiner, Art Unit 2446

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2446